

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	FINAL ORDER OF
	:	DISCIPLINE
DAWN M. CACCAVELLI, RN	:	
License # 26NR11628100	:	
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Dawn M. Caccavelli ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about July 7, 2014, Respondent completed and submitted an online biennial renewal application. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2014," referring to the biennial renewal period of June 1, 2012 to May 31, 2014. Respondent was also asked whether

she completed the required course on Organ and Tissue Donation. Respondent answered "Yes" to both questions and certified that answer by submitting the online application.

3. On April 12, 2015, the Respondent was arrested by members of the State Police in Flemington, New Jersey, for violation of N.J.S.A. 2C:35-10(B) (Use/Influence of Controlled Dangerous Substance). On April 20, 2015, the Board sent a letter of inquiry requesting certain information and documents regarding the criminal matter, Respondent's nursing practice, and proof of completion of required continuing education to Respondent's address of record in Rahway, New Jersey, via regular and certified mail. The regular mailing was not returned. The certified mail was returned as "Unclaimed."

4. To date, Respondent has not replied to the Board's request for information.

5. The Board received information indicating that Respondent was arrested for Driving Under the Influence (DUI) in Holland Township, New Jersey, on September 14, 2014, convicted of DUI on December 3, 2014, fined six hundred fourteen dollars (\$614), and had her driver's license suspended for 90 days.

#### SUBSEQUENT PROCEDURAL HISTORY

Based on the foregoing findings of fact and conclusions of law below, a Provisional Order of Discipline seeking a

reprimand, a seven hundred fifty dollar (\$750) civil penalty and a suspension, was entered on February 8, 2016. Copies were served on Respondent via regular and certified mail to her last known address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order by providing information about her Controlled Dangerous Substance offense and her driving under the influence offense, including a municipal court complaint and a police report, as well as a statement that she has not worked as a nurse since 2007. Respondent also provided information about an earlier arrest on or about December 4, 2014, for driving under the influence of alcohol or drugs. Respondent failed to provide a disposition of the criminal charges arising from her arrest for use of Controlled Dangerous Substances. Further, despite having two DUI

convictions in a two year period, Respondent denied having a drug or alcohol addiction or needing any counseling or other treatment. In addition, Respondent failed to send any proof of the completion of any continuing education.

#### CONCLUSIONS OF LAW

Because Respondent did not adequately answer the Board's request for information, as described above; because she denies having a substance abuse problem and denies requiring treatment; and because she provided no additional evidence of completed continuing education, there is insufficient justification for modifying the decretal portion of the Provisional Order of Discipline. Accordingly, that portion of the Provisional Order is adopted without modification here.

Respondent's failure to fully respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required

to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

Respondent failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2012 to May 31, 2014. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process regarding her continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Last, Respondent's drug related arrest and multiple instances of driving under the influence of drugs or alcohol raise sufficient concern such that testing, monitoring, evaluation, and treatment are warranted, as a condition for continued or reinstated licensure, to evaluate whether Respondent's continued practice as a nurse may jeopardize the safety and welfare of the public pursuant to N.J.S.A. 45:1-22(f) and to ensure that Respondent can properly discharge nursing functions pursuant to N.J.S.A. 45:1-22(e).

ACCORDINGLY, IT IS on this 1<sup>st</sup> day of August, 2016,  
ORDERED that:

1. Respondent's license to practice nursing is suspended until Respondent a) provides all the requested information in the Board's letter of inquiry, and b) provides proof of completion of 30 hours of continuing education for the June 1, 2012 - May 31, 2014 period, and as many as 30 hours of continuing education for the June 1, 2014 - May 31, 2016 biennial period, including the one hour course on Organ and Tissue Donation. Continuing education taken currently and applied to cure the deficiency of a previous biennial period shall not also be used to satisfy the requirements of the current biennial period.

2. The Board will not entertain an application for reinstatement from Respondent unless and until Respondent completes a comprehensive mental health and substance abuse evaluation under the auspices of the Board's designated intervention program, the Recovery And Monitoring Program ("RAMP"), demonstrates that she is fit and competent to practice nursing, that she is in full compliance with any agreement with RAMP, that RAMP supports her return to practice, answers all inquiries regarding her arrest to the satisfaction of the Board,

and demonstrates that she is up to date with her continuing education.

3. By undergoing evaluation, Respondent expressly waives any claim of privilege or confidentiality that she may have concerning RAMP reports and disclosures to the Board, and use by the Board of that information in any proceedings.

4. All costs associated with the evaluation, monitoring, and/or treatment outlined above shall be the responsibility of, and paid directly by, Respondent.

5. A reprimand is imposed on Respondent for misrepresenting the continuing education information on her license renewal application.

6. Respondent is assessed a civil penalty in the amount of seven hundred and fifty dollars (\$750). Said penalty is an aggregate penalty, which includes a penalty in the amount of five hundred dollars (\$500) for failure to cooperate with a Board investigation and a penalty in the amount of two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to State Board of Nursing, Attention: Leslie Burgos, 124 Halsey Street, Sixth Floor, P.O.

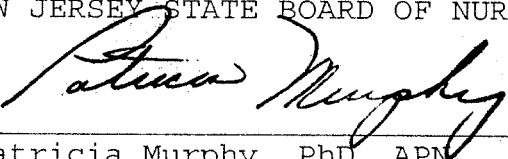
Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this Order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

7. Respondent shall refrain from practicing as a nurse and shall not represent herself as a Registered Professional Nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

8. The Board reserves the right to initiate disciplinary proceedings based upon any information that Respondent ultimately provides in response to the letter of inquiry or upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By:

  
Patricia Murphy, PhD, APRN  
Board President